

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Richard Marasco, individually on behalf of himself
and all others similarly situated,

Plaintiff,

-against-

American Expediting Company, Inc., A to Z
Logistics, Inc. Victor Finnegan, and John Does 1-25,

Defendants.

Case No. 16-cv-00232(PKC)(JO)

**NOTICE OF MOTION TO DISMISS
THE AMENDED CLASS ACTION AND
COLLECTIVE ACTION COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant Victor Finnegan's Motion to Dismiss the third Amended Class Action and Collective Action Complaint ("TAC"), dated April 11, 2017, the supporting Affirmation of Kevin R. Vozzo, dated April 11, 2017, and the exhibit annexed thereto, Defendant, by his attorneys, will move this Court, before the Honorable Pamela K. Chen, at the United States District Court, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, 11201, on a date and time to be set by the Court, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the TAC in its entirety, on the grounds that Plaintiff has failed to state a claim against Defendant Finnegan.

PLEASE TAKE FURTHER NOTICE, that pursuant to this Court's March 16, 2017 Order, any opposition to this motion shall be served on the undersigned counsel for Defendant no later than April 25, 2017, and Defendant's reply papers, if any, shall be served no later than May 9, 2017.

Date: April 11, 2017
New York, New York

/s/ Kevin R. Vozzo

Andrew M. Spurchise
Kevin R. Vozzo
Leslie M. DiBenedetto
LITTLER MENDELSON, P.C.
900 Third Avenue, 8th Floor
New York, New York 10022
(212) 583-9600

Attorneys for Defendant
Victor Finnegan